Equalities and Human Rights Committee
Children (Equal Protection from Assault)
Community Group Visit Tuesday 22\textsuperscript{nd} January 2019

Attending
Fulton MacGregor MSP
Gail Ross MSP
Claire Menzies, Clerk
Sarah Rowlinson, Community Outreach

Purpose of the visit
The purpose of the visit was to speak to a group of parents, carers and grandparents about the proposed Children (Equal Protection from Assault) (Scotland) Bill.

Dad’s Rock Academy runs weekly music tuition for children aged 7 to 16 and their parents/carers. The Academy has been running for six years, and provides children and their parents, carers and grandparents the opportunity to learn to play a musical instrument together. The tutors are all music students from Edinburgh College.

The Academy aims to make it as easy as possible for local children and their parents/grandparents to access music lessons, and instruments, whilst also helping families spend time together ‘to learn a new skill, to explore new music together, and have a chance to come together at the end of the year with their friends and family and have a shared experience.’

There were around 10 parents and grandparents in attendance. The group consisted of a range of backgrounds and a number of ages were represented. The majority who attended were men.

Discussion
Themes arising from the discussion:

\textit{General}
- Thought the law already covered assault; what would happen if the smack was the result of an over-reaction in the heat of the moment
- If the Bill stops any kid from being abused its worth it
- Bill more about removing a loophole in the law
- The cynical view of the man on the street would be “what sort of legislation are they going to come up with next?”
- Society has moved on - should it be helped to move on further through legislation?
Definition of Assault
- A little a smack can sometime be more effective for young children to learn right from wrong, as they don't understand, particularly useful to keep them out of harm's way

Alternatives to the Bill
- More parental support needed on parenting so don’t have to rely on smacking
- Abusers would always abuse; this law won’t stop them
- Parenting classes would probably be a more successful approach
- There are parenting classes already
- Not as much stigma attached to parents asking for help on how to disciple children, particularly older children

Enforcement
- How would the level of harm be measured - would it be subjective – it’s a grey area that needs to be explored?
- Ok in theory, for it to work in practice would it need to be micromanaged, if so could that be seen as interfering with parental rights
- Concern about the impact implementation of the Bill would have on police and court time
- Smacking when out of control – there was a worry that people would get caught up in the new law
- Concern there was not the infrastructure in place to deal with the increased cases, e.g. prisons
- Every case of smacking raised by a child would have to be investigated thoroughly
- More and more kids are capable of challenging authority, so need more services, like social work services to help.
- How to determine if it’s an assault - it takes a lot of physical force to leave a mark on a child, so the Bill takes away the defence for those who aren’t ‘good’ parents
- Would be keen to hear what courts, procurator fiscais and police have to say about the impact on them.

Other Issues
- Extreme media coverage of abuse fuels how people think about the Bill.
- Children don't always respond to being talked to, particularly younger children, how would the Bill work in those circumstances where a parent smacks?
- New system could be open to abuse - kids could say their parents smacked them, for example when they wanted to get back at them for something else. Children know their rights/law better than parents and can use it for their own purposes
- Children are taught about their rights, but not taught about their responsibilities at the same time. For example, they are taught that their parents can’t beat them but aren’t taught it’s their responsibility not to lie to teachers/police etc. about abuse to get attention or revenge on their parents.
• You could see TV ads aimed at kids - Contact [X solicitors] if you've been smacked.